

PART 72—PERMITS REGULATION

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

§ 72.2 [Amended]

2. Section 72.2 is amended by:

a. Amend the definition of "Acid rain emissions limitation" by replacing, in paragraph (1)(i), the words "an affected unit" by the words "the affected units at a source" and replacing, in paragraph (1)(ii)(C), the words "compliance subaccount for that unit" by the words "compliance account for that source";

b. Amend the definition of "Advance allowance" by replacing the word "unit's" by the word "source's";

c. Amend the definition of "Allocate or allocation" by replacing the words "unit account" by the words "compliance account";

d. Amend the definition of "Allowance deduction, or deduct" by replacing the words "compliance subaccount, or future year subaccount," by the words "compliance account" and replacing the words "from an affected unit" by the words "from the affected units at an affected source";

e. Amend the definition of "Allowance transfer deadline" by replacing the words "affected unit's compliance subaccount" by

the words "an affected source's compliance account" and replacing the words "the unit's" by the words "the source's";

f. Amend the definition of "Authorized account representative" by replacing the words "unit account" by the words "compliance account" and replacing the words "affected unit" by the words "affected source and the affected units at the source";

g. Amend the definition of "Compliance use date" by replacing the word "unit's" by the word "source's";

h. Amend the definition of "Excess emissions" by, in paragraph (1), replacing the words "an affected unit" by the words "the affected units at an affected source" and replacing the words "for the unit" by the words "for the source";

i. Amend the definition of "General account" by replacing the words "unit account" by the words "compliance account";

j. Amend the definition of "Offset Plan" by replacing the word "unit" by the word "source";

K. Amend the definition of "Recordation, record, or recorded" by removing the words "or subaccount";

l. Amend the definition of "Source" by replacing the words "under the Act." by the words "under the Act, provided that one or more combustion or process sources that have, under § 74.4(c) of this chapter, a different designated representative than the

designated representative for one or more affected utility units at a source shall be treated as being included in a separate source from the source that includes such utility units for purposes of parts 72 through 78 but shall be treated as being included in the same source as the source that includes such utility units for purposes of section 502(c) of the Act."

m. Amend the definition of "Spot allowance" by replacing the word "unit's" by the word "source's"; and

n. Revise the definition of "Cogeneration unit", adding a new definition of "Compliance account", and removing the definitions of "Compliance subaccount", "Current year subaccount", "Direct sale subaccount", "Future year subaccount", and "Unit account" to read as follows:

§ 72.2 Definitions.

* * * * *

Cogeneration unit means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes, through sequential use of energy.

* * * * *

Compliance account means an Allowance Tracking System account, established by the Administrator under § 73.31(a) or (b) of this chapter or § 74.40(a) of this chapter for an affected source and

for each affected unit at the source.

* * * * *

§ 72.7 [Amended]

3. Section 72.7 is amended in paragraph (c)(1)(ii), in the first sentence, replace the word "unit's Allowance Tracking System account" by the words "compliance account of the source that includes the unit" and remove the third sentence.

§ 72.9 [Amended]

4. Section 72.9 is amended by:

a. In paragraph (b)(2), replace the word "unit" by the words "source or unit, as appropriate,";

b. In paragraph (c)(1)(i), replace the words "unit's compliance subaccount" with the words "source's compliance account" and replace the words "from the unit" by the words "from the affected units at the source";

c. In paragraphs (e)(1) and (e)(2) introductory text, replace the words "an affected unit" by the words "an affected source";

d. In paragraph (g)(6), remove the second sentence; and

e. In paragraph (h)(2), replace the word "unit" by the word "source" wherever it appears.

§ 72.21 [Amended]

5. Section 72.21 is amended by:

a. In paragraph (b) (1), remove the word "affected" wherever it appears; and

b. In paragraph (e) (2), replace the words "unit account" by the words "compliance account".

§ 72.24 [Amended]

6. Section 72.24 is amended by removing and reserving paragraphs (a) (5), (a) (7), and (a) (10).

§ 72.27 [Amended]

7. Section 72.27 is amended by, in paragraphs (c) (3) and (c) (5), by replacing the words "unit's Allowance Tracking System account" by the words "for the unit in the compliance account for the source that includes the unit".

§ 72.40 [Amended]

8. Section 72.40 is amended, in paragraph (a) (1), replace the words "unit's compliance subaccount" with the words "compliance account of the source where the unit is located ", remove the words ", or in the compliance subaccount of another affected unit at the source to the extent provided in § 73.35(b) (3),", and replace the words "from the unit" by the words "from the affected units at the source".

§ 72.72 [Amended]

9. Section 72.72 is amended by:

a. In paragraph (a) (1), add, after the words "affected

unit", the words "or affected source";

b. In paragraph (a)(2), add, after the words "affected unit's" the words "or an affected source's"; and

c. In paragraph (a)(3), add, after the words "affected unit", the words "or affected source" whenever they appear.

§ 72.73 [Amended]

10. Section 72.73 is amended by, in paragraph (b)(2), replace the words "the first Acid Rain permit" by the words "an Acid Rain permit".

§ 72.90 [Amended]

11. Section 72.90 is amended by, in paragraph (a), add, after the words "each calendar year", the words "during 1995 through 2005".

§ 72.95 [Amended]

12. Section 72.95 is amended by:

a. In the introductory text, replace the words "an affected unit's compliance subaccount" with the words "an affected source's compliance account"; and

b. In paragraph (a), replace the words "by the unit" by the words "by the affected units at the source".

§ 72.96 [Amended]

13. Section 72.96 is amended by, in paragraph (b), replace the words "unit's Allowance Tracking System account" by the words

"source's compliance account".

PART 73-SULFUR DIOXIDE ALLOWANCE SYSTEM

1. The authority citation continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

§ 73.10 [Amended]

2. Section 73.10 is amended by:

a. In paragraph (a), replace the words "unit account for each" by the words "compliance account for each source that includes a" and remove the words "in each future year subaccount"; and

b. In paragraphs (b)(1) and (b)(2), replace the words "unit account for each" by the words "compliance account for each source that includes a" and replace the words "in the future year subaccounts representing calendar years" with the words "for the years".

§ 73.27 [Amended]

3. Section 73.27 is amended by, in paragraphs (c)(3) and (c)(5), replace the words "unit's Allowance Tracking System account" by the words "compliance account of the source that includes the unit".

§ 73.30 [Amended]

4. Section 73.30 is amended by:

a. In paragraph (a), add, after the word "establish", the word "compliance", replace the words "affected units" by the words "affected sources", and replace the words "unit's Allowance Tracking System account" by the words "source's compliance account" ; and

b. In paragraph (b), replace the word "unit" by the word "source" and replace the words "Allowance Tracking System account" by the words "general account".

§ 73.31 [Amended]

5. Section 73.31 is amended by:

a. In paragraph (a), replace the words "an Allowance Tracking System account" by the words "a compliance account" and replace the words "each unit" with the words "each source that includes a unit";

b. In paragraph (b), replace the words "an Allowance Tracking System account for the unit." by the words "a compliance account for the source that includes the unit, unless the source already has a compliance account."; and

c. In paragraph (c)(1)(v), replace the words "Allowance Tracking System account" by the words "general account" and remove the words " I shall abide by any fiduciary responsibilities assigned pursuant to the binding agreement.".

§ 73.32 [Amended]

6. Section 73.32 is removed and reserved.

§ 73.33 [Amended]

7. Section 73.33 is amended by remove and reserve paragraphs (b) and (c).

§ 73.34 [Amended]

8. Section 73.34 is amended by:

- a. Revise paragraphs (a) and (b) to read as set forth below;
- b. In paragraph (c) introductory text, remove the words "Recordation in subaccounts" and replace the words "compliance, current year, and future year" with the words "compliance account and general account".

§ 73.34 Recordation in accounts.

(a) After a compliance account is established under § 73.31(a) or (b), the Administrator will record in the compliance account any allowance allocated to any affected unit at the source for 30 years starting with the later of 1995 or the year in which the compliance account is established and any allowance allocated for 30 years starting with the later of 1995 or the year in which the compliance account is established and transferred to the source with the transfer submitted in accordance with § 73.50. In 1996 and each year thereafter, after Administrator has completed the deductions pursuant to § 73.35(b), the Administrator will record in the compliance account

any allowance allocated to any affected unit at the source for the new 30th year (i.e., the year that is 30 years after the calendar year for which such deductions are made) and any allowance allocated for the new 30th year and transferred to the source with the transfer submitted in accordance with § 73.50.

(b) After a general account is established under § 73.31(c), the Administrator will record in the general account any allowance allocated for 30 years starting with the later of 1995 or the year in which the general account is established and transferred to the general account with the transfer submitted in accordance with § 73.50. In 1996 and each year thereafter, after the Administrator has completed the deductions pursuant to § 73.35(b), the Administrator will record in the general account any allowance allocated for the new 30th year (i.e., the year that is 30 years after the calendar year for which such deductions are made) and transferred to the general account with the transfer submitted in accordance with § 73.50.

* * * * *

§ 73.35 [Amended]

9. Section 73.35 is amended by:

- a. In paragraph (a) introductory text and paragraph (a)(1), replace the words "unit's" by the word "source's";
- b. In paragraph (a)(2), replace the word "Such" by the word

"The";

c. In paragraph (a)(2)(i), replace the words "the unit's compliance subaccount" with the words "the source's compliance account";

d. In paragraph (a)(2)(ii), replace the words "the unit's compliance subaccount" with the words "the source's compliance account", replace the words "compliance subaccount for the unit" by the words "source's compliance account", and replace the word "or" with the word "and";

e. Remove paragraph (a)(2)(iii);

f. Add a new paragraph (a)(3);

g. In paragraph (b)(1), replace the words "compliance subaccount" by the words "compliance account", add, after the words "deduct allowances", the words "available for deduction under paragraph (a) of this section", and replace the words "each affected unit's compliance subaccount" with the words "each affected source's compliance account";

h. In paragraph (b)(2), replace the words "allowances remain in the compliance subaccount" with the words "allowances available for deduction under paragraph (a) of this section remain in the compliance account";

i. Remove paragraph (b)(3);

j. Revise paragraph (c)(1) to read as set forth below;

k. In paragraph (c)(2), replace the words "for the unit" with the words "for the units at the source", replace the words "in its compliance subaccount." by the words "in the source's compliance account.", replace the words "from the compliance subaccount" by the words "from the compliance account", and replace the words "unit's compliance subaccount" by the words "source's compliance account";

l. In paragraph (d), replace the words "for each unit" by the words "for each source" and replace the word "unit's" by the word "source's"; and

m. Remove paragraph (e).

§ 73.35 Compliance.

(a) * * *

(1) * * *

(2) * * *

(3) The allowance was not previously deducted by the Administrator in accordance with a State SO₂ mass emissions reduction program under § 51.124(o) of this chapter or otherwise permanently retired in accordance with § 51.124(p) of this chapter.

(b) * * *

(c)(1) Identification of allowances by serial number. The authorized account representative for a source's compliance

account may request that specific allowances, identified by serial number, in the compliance account be deducted for a calendar year in accordance with paragraph (b) or (d) of this section. Such request shall be submitted to the Administrator by the allowance transfer deadline for the year and include, in a format prescribed by the Administrator, the identification of the source and the appropriate serial numbers.

* * * * *

§ 73.36 [Amended]

10. Section 73.36 is amended by:

a. In paragraph (a), replace the words "Unit accounts." with the words "Compliance accounts." and replace with words "compliance subaccount" with the words "compliance account" whenever they appear; and

b. In paragraph (b), replace the words "current year subaccount" with the words "general account" whenever they appear and replace the words "at the end of the current calendar year" by the words "not transferred pursuant to subpart D to another Allowance Tracking System account".

§ 73.37 [Amended]

11. Section 73.37 is revised to read as follows:

§ 73.37 Account error. The Administrator may, at his or her sole discretion and on his or her own motion, correct any

error in any Allowance Tracking System account. Within 10 business days of making such correction, the Administrator will notify the authorized account representative for the account.

§ 73.38 [Amended]

12. Section 73.38 is amended by:

a. In paragraph (a), replace the words "delete the general account from the Allowance Tracking System." by the words "close the general account."; and

b. In paragraph (b), replace the words "for a period of a year or more" by the words "for a 12-month period or longer", remove the words "in its subaccounts", replace the words "will notify" by the words "may notify", remove the words "and eliminated from the Allowance Tracking System" and the last sentence.

§ 73.50 [Amended]

13. Section 73.50 is amended by:

a. In paragraph (a), remove the words ", including, but not limited to, transfers of an allowance to and from contemporaneous future year subaccounts, and transfers of an allowance to and from compliance subaccounts and current year subaccounts, and transfers of all allowances allocated for a unit for each calendar year in perpetuity";

b. In paragraph (b)(1)(ii), remove the words ", or correct

indication on the allowance transfer where a request involves the transfer of the unit's allowance in perpetuity";

c. In paragraph (b) (2) (ii), remove the words "Allowance Tracking System" and "under 40 CFR part 73, or any other remedies" and remove the comma after the words "under State or Federal law"; and

d. Remove paragraph (b) (3) .

§ 73.51 [Amended]

14. **Section 73.51** is removed and reserved.

§ 73.52 [Amended]

15. Section 73.52 is amended by:

a. In paragraph (a), remove the words "\$ 73.50, § 73.51, and" and add, after the words "five business days", the words "(or longer as necessary to perform a transfer in perpetuity of allowances allocated to a unit)";

b. Revise paragraphs (a) (1), (a) (2) and (a) (3);

c. Remove paragraph (a) (4);

d. Revise paragraph (b); and

e. Add a new paragraph (c) to read as follows:

§ 73.52 EPA recordation.

(a) * * *

(1) The transfer is correctly submitted under § 73.50;

(2) The transferor account includes each allowance

identified by serial number in the transfer; and

(3) If the allowances identified by serial number specified pursuant to § 73.50(b)(1)(ii) are subject to the limitation on transfer imposed pursuant to § 72.44(h)(1)(i) of this chapter, § 74.42 of this chapter, or § 74.47(c) of this chapter, the transfer is in accordance with such limitation.

(b) To the extent an allowance transfer submitted for recordation after the allowance transfer deadline includes allowances allocated for any year before the year in which the allowance transfer deadline occurs, the transfer of such allowance will not be recorded until after completion of the deductions pursuant to § 73.35(b) for year before the year in which the allowance transfer deadline occurs.

(c) Where an allowance transfer submitted for recordation fails to meet the requirements of paragraph (a) of this section, the Administrator will not record such transfer.

§ 73.70 [Amended]

16. Section 73.70 is amended by:

- a. In paragraph (e), remove the last two sentences.
- b. In paragraph (f), replace the words "the subaccount" by the words "the Allowance Tracking System account"; and
- c. In paragraph (i)(1), add, after the words "Allowance Tracking System account of each", the words "source that

includes a".

PART 74-SULFUR DIOXIDE OPT-INS

1. The authority citation for part 74 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

§ 74.4 [Amended]

2. Section 74.4 is amended by:

a. In paragraph (c)(1), replace the words "a combustion or process source that is located" by the words "one or more combustion or process sources that are located", replace the words "such combustion or process source and thereafter, does" by the words "such combustion or process sources and thereafter, do", and replace the words "designate, for such combustion or process source" by the words "designate, for such combustion or process sources"; and

b. In paragraph (c)(2), replace the words "the combustion or process source" by the words "the combustion or process sources" whenever they occur and replace the word "meets" by the word "meet".

§ 74.18 [Amended]

3. Section 74.18 is amended, in paragraph (d), remove the last sentence.

§ 74.40 [Amended]

4. Section 74.40 is amended by:

a. In paragraph (a), replace the words "an opt-in account" by the words "a compliance account", replace the words "an account" by the words "a compliance account (unless the source that includes the opt-in source already has a compliance account or the opt-in source has, under § 74.4(c), a different designated representative than the designated representative for the source)", and remove the last sentence.

b. In paragraph (b), replace the words "allowance account in the Allowance Tracking System" by the words "compliance account (unless the source that includes the opt-in source already has a compliance account or the opt-in source has, under § 74.4(c), a different designated representative than the designated representative for the source)".

§ 74.42 [Amended]

5. Section 74.42 is revised to read as follows:

§ 74.42 Limitation on transfers. (a) With regard to a transfer request submitted for recordation during the period starting January 1 and ending with the allowance transfer deadline in the same year, the Administrator will not record a transfer of an opt-in allowance that is allocated to an opt-in source for the year in which the transfer request is submitted or

a subsequent year.

(b) With regard to a transfer request during the period starting with the day after an allowance transfer deadline and ending December 31 in the same year, the Administrator will not record a transfer of an opt-in allowance that is allocated to an opt-in source for a year after the year in which the transfer request is submitted.

§ 74.43 [Amended]

6. Section 74.43 is amended by:

a. In paragraph (a), remove the words "in lieu of any annual compliance certification report required under subpart I of part 72 of this chapter";

b. In paragraph (b)(7), replace the word "At" by the words, "In an annual compliance certification report for a year during 1995 through 2005, at"; and

c. In paragraph (b)(8), replace the word "The" by the words, "In an annual compliance certification report for a year during 1995 through 2005, the".

§ 74.44 [Amended]

7. Section 74.44 is amended by:

a. In paragraph (c)(1)(ii), remove the words "opt-in source's" and add, after the word "System" the words "of the source that includes the opt-in source";

b. In paragraphs (c) (2) (iii) (C), (c) (2) (iii) (D), (c) (2) (iii) (E) introductory text, and (c) (2) (iii) (E) (3), replace the words "opt-in source's compliance subaccount" by the words "compliance account of the source that includes the opt-in source" whenever they occur; and

c. In paragraph (c) (2) (iii) (F), replace the words "opt-in source's compliance subaccount" by the words "compliance account of the source that includes the opt-in source" and replace the words "source's compliance subaccount" by the words "compliance account of the source that includes the opt-in source".

§ 74.46 [Amended]

8. Section 74.46 is amended by removing and reserving paragraph (b) (2).

§ 74.47 [Amended]

9. Section 74.47 is amended by:

a. In paragraph (a) (3) (iv), remove the words "opt-in source's" and add, after the word "System", the words "of the source that includes the opt-in source";

b. In paragraph (a) (3) (v), replace the word "Each" by the word "The", remove the words "replacement unit's" and "(ATS)", and add, after the word "System", the words "of each source that includes a replacement unit";

c. In paragraph (a) (6), replace the words "Allowance

Tracking System account of each replacement unit" by the words "compliance account of each source that includes a replacement unit";

d. In paragraph (c), replace the words "unit account" by the words "compliance account of the source that includes the replacement unit" and replace the words "account in the Allowance Tracking System" by the words "Allowance Tracking System account";

e. In paragraph (d)(1)(ii)(C), remove the words "opt-in source's" and "(ATS)" and add, after the word "System", the words "of the source that includes the opt-in source";

f. In paragraph (d)(1)(ii)(D), replace the words "(ATS) for each" by the words "of each source that includes a";

g. In paragraph (d)(2)(i), replace the words "Allowance Tracking System accounts for the opt-in source and for each replacement unit" by the words "compliance account for each source that includes the opt-in source or a replacement unit";

h. In paragraph (d)(2)(i)(B), replace the words "Allowance Tracking System account of the opt-in source" by the words "compliance account of the source that includes the opt-in source"; and

i. In paragraph (d)(2)(ii), replace the words "Allowance Tracking System accounts for the opt-in source and for each

replacement unit" by the words "compliance account for each source that includes the opt-in source or a replacement unit".

§ 74.49 [Amended]

10. Section 74.49 is amended, in paragraph (a), replace the words "an opt-in source's compliance subaccount" by the words "the compliance account of a source that includes an opt-in source".

§ 74.50 [Amended]

11. Section 74.50 is amended by:

a. In paragraph (a)(2) introductory text, add, after the words "the account of the" the words "source that includes";

b. In paragraph (a)(2)(i), replace the words "opt-in source's compliance subaccount" by the words "the compliance account of the source that includes the opt-in source"; and

c. In paragraph (b), replace the words "the opt-in source's unit account" by the words "the compliance account of the source that includes the opt-in source"; and

d. In paragraph (d), replace the words "an opt-in source does not hold" by the words "the source that includes the opt-in source does not hold".

PART 77—EXCESS EMISSIONS

1. The authority citation for part 77 continues to read as

Section I 3/4/2005 DRAFT Do Not Quote or Cite

follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

§ 77.3 [Amended]

2. Section 77.3 is amended by:

a. In paragraph (a), replace the words "affected unit" by the words "affected source" and replace the word "unit's Allowance Tracking System account" by the words "source's compliance account";

b. In paragraphs (b) and (c), replace the word "unit" by the word "source" wherever it appears; and

c. In paragraph (d) introductory text and paragraphs (d) (1) and (d) (2), replace the word "unit" by the word "source" whenever it appears;

d. In paragraphs (d) (3) and (d) (4), replace the words "unit's Allowance Tracking System account" by the words "source's compliance account's" whenever they appear; and

e. In paragraph (d) (5), replace the words "unit's compliance subaccount" by the words "source's compliance account".

§ 77.4 [Amended]

3. Section 77.4 is amended by:

a. In paragraph (b) (1), replace the words "unit's compliance subaccount" by the words "source's compliance account"; and

b. In paragraphs (c) (1) (ii) (A), (d) (1), (d) (2), (d) (3),

(e) (iv), (g) (2) (ii), (g) (3) (ii), and (g) (3) (iii), replace the word "unit" by the word "source"; and

c. In paragraph (k) (2), replace the words "unit's compliance subaccount" by the words "source's compliance account" and replace the word "unit" by the word "source".

§ 77.5 [Amended]

4. Section 77.5 is amended by:

a. In paragraph (b), replace the words "compliance subaccount" with the words "compliance account";

b. In paragraph (c), replace the words ", from the unit's compliance subaccount" with the words "allocated for the year after the year in which the source has excess emissions, from the source's compliance account" and replace the word "unit's" by the word "source's"; and

c. Remove paragraph (d).

§ 77.6 [Amended]

5. Section 77.6 is amended by:

a. In paragraph (a) (1), add, after the words "sulfur dioxide", the words "occur at the affected source" and replace the words "owners and operators of the affected unit" by the words "owners and operators respectively of the affected source and the affected units at the source or of the affected unit";

b. In paragraph (b) (1) (i) (A), replace the word "unit" by the

words "source or unit as appropriate"; and

c. In paragraphs (b) (3), (c), and (f), replace the word "unit" by the words "source or unit as appropriate".

PART 78-APPEAL PROCEDURES

1. The title of this part is amended by replace the words "APPEAL PROCEDURES FOR ACID RAIN PROGRAM" by the words "APPEAL PROCEDURES".

2. The authority citation for part 78 continues to read as follows:

Authority: 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, et seq.

§ 78.1 [Amended]

3. Section 78.1 is amended by:

a. In paragraph (a) (1), replace the words "parts 72, 73, 74, 75, 76, or 77 of this chapter or part 97 of this chapter" by the words "part 72, 73, 74, 75, 76, or 77 of this chapter, subparts AA through II of part 96 of this chapter, subparts AAA through III of part 96 of this chapter, and subparts AAAA through subparts IIII of part 96 of this chapter, or part 97 of this chapter";

b. Revise paragraph (b) (2) (i);

c. Add new paragraphs (b) (7) and (b) (8) to read as follows:

§ 78.1 Purpose and scope.

(b) * * * * *

(2) * * *

(i) The correction of an error in an Allowance Tracking System account;

* * * * *

(7) Under subparts AA through II of part 96 of this chapter,

(i) The decision on the allocation of CAIR NO_x allowances under § 96.141(a)(2), (b)(2), or (c)(2).

(ii) The decision on the deduction of CAIR NO_x allowances, and the adjustment of the information in a submission and the decision on the deduction or transfer of CAIR NO_x allowances based on the information as adjusted, under § 96.154;

(iii) The correction of an error in a CAIR NO_x Allowance Tracking System account under § 96.156;

(iii) The decision on the transfer of CAIR NO_x allowances under § 96.161;

(iv) The finalization of control period emissions data, including retroactive adjustment based on audit;

(v) The approval or disapproval of a petition under § 96.175.

(8) Under subparts AAA through III of part 96 of this chapter,

(i) The decision on the deduction of CAIR SO₂ allowances,

and the adjustment of the information in a submission and the decision on the deduction or transfer of CAIR SO₂ allowances based on the information as adjusted, under § 96.254;

(ii) The correction of an error in a CAIR SO₂ Allowance Tracking System account under § 97.256;

(iii) The decision on the transfer of CAIR SO₂ allowances under § 96.261;

(iv) The finalization of control period emissions data, including retroactive adjustment based on audit;

(v) The approval or disapproval of a petition under § 96.275.

(9) Under subparts AAAA through IIII of part 96 of this chapter,

(i) The decision on the allocation of CAIR NO_x Ozone Season allowances under § 96.341(a)(2), (b)(2), or (c)(2).

(ii) The decision on the deduction of CAIR NO_x Ozone Season allowances, and the adjustment of the information in a submission and the decision on the deduction or transfer of CAIR NO_x Ozone Season allowances based on the information as adjusted, under § 96.354;

(iii) The correction of an error in a CAIR NO_x Ozone Season Allowance Tracking System account under § 96.356;

(iii) The decision on the transfer of CAIR NO_x Ozone Season

allowances under § 96.361;

(iv) The finalization of control period emissions data, including retroactive adjustment based on audit;

(v) The approval or disapproval of a petition under § 96.375.

§ 78.3 [Amended]

4. Section 78.3 is amended by:

a. In paragraph (b)(3)(i), add, after the words "(unless the NO_x authorized account representative is the petitioner)", the words "or the CAIR designated representative, CAIR NO_x authorized account representative, CAIR SO₂ authorized account representative, or CAIR NO_x Ozone Season authorized account representative under paragraph (a)(4), (5), or (6) of this section (unless the CAIR designated representative or CAIR authorized account representative is the petitioner)";

b. In paragraph (c)(7), replace the words "or part 97 of this chapter, as appropriate" by the words ", subparts AA through II of part 96 of this chapter, subparts AAA through III of part 96 of this chapter, subparts AAAA through IIII of part 96 of this chapter, or part 97 of this chapter, as appropriate";

c. In paragraph (d)(3), add, after the words "under the NO_x Budget Trading Program", the words "or on an account certificate of representation submitted by a CAIR designated representative

or an application for a general account submitted by a CAIR NO_x authorized account representative under subparts AA through II of part 96 of this chapter, a CAIR SO₂ authorized account representative under subparts AAA through III of part 96 of this chapter, or a CAIR NO_x Ozone Season authorized account representative under subparts AAAA through IIII of part 96 of this chapter”;

d. Add new paragraphs (a) (4), (a) (5), (d) (5), and (d) (6) to read as follows:

§ 78.3 Petition for administrative review and request for evidentiary hearing.

(a) * * *

(4) The following persons may petition for administrative review of a decision of the Administrator that is made under subparts AA through II of part 96 and that is appealable under § 78.1(a) of this part:

(i) The CAIR designated representative for a unit or source, or the CAIR NO_x authorized account representative for any CAIR NO_x Allowance Tracking System account, covered by the decision; or

(ii) Any interested person.

(5) The following persons may petition for administrative review of a decision of the Administrator that is made under

subparts AAA through III of part 96 and that is appealable under § 78.1(a) of this part:

(i) The CAIR designated representative for a unit or source, or the CAIR SO₂ authorized account representative for any CAIR SO₂ Allowance Tracking System account, covered by the decision; or

(ii) Any interested person.

(6) The following persons may petition for administrative review of a decision of the Administrator that is made under subparts AAAA through IIII of part 96 and that is appealable under § 78.1(a) of this part:

(i) The CAIR designated representative for a unit or source, or the CAIR NO_x Ozone Season authorized account representative for any CAIR Ozone Season NO_x Allowance Tracking System account, covered by the decision; or

(ii) Any interested person.

* * * * *

(d) * * *

(5) Any provision or requirement of subparts AA through HH of part 96, including the standard requirements under § 96.106 of this chapter and any emission monitoring or reporting requirements.

(6) Any provision or requirement of subparts AAA through HHH

of part 96, including the standard requirements under § 96.206 of this chapter and any emission monitoring or reporting requirements.

* * * * *

§ 78.4 [Amended]

5. Section 78.4 is amended by adding two new sentences after the fifth sentence in paragraph (a) to read as follows:

§ 78.4 Filings.

(a) * * * Any filings on behalf of owners and operators of a CAIR NO_x, SO₂, or NO_x Ozone Season unit or source shall be signed by the CAIR designated representative. Any filings on behalf of persons with an interest in CAIR NO_x allowances in a general account shall be signed by the CAIR NO_x authorized account representative. Any filings on behalf of persons with an interest in CAIR SO₂ allowances in a general account shall be signed by the CAIR SO₂ authorized account representative. Any filings on behalf of persons with an interest in CAIR NO_x Ozone Season allowances in a general account shall be signed by the CAIR NO_x Ozone Season authorized account representative. * * *

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§ 78.5 [Amended]

6. Section 78.5 is amended, in paragraph (a), by removing the words ",or a claim or error notification was submitted," the

words "or in the claim of error notification", and the words "or the period for submitting a claim of error notification".

§ 78.12 [Amended]

7. Section 78.12 is amended by:

a. In paragraph (a) introductory text, remove the words ", or to submit a claim of error notification";

b. In paragraph (a) (2), replace the words "NO_x Budget permit" by the words ", NO_x Budget permit, CAIR permit,".

§ 78.13 [Amended]

8. Section 78.13 is amended by, in paragraph (b), removing the word "also".